

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

John J. Clinemyer III
Audrey A. Clinemyer
Debtor(s)

Bankruptcy Case No.: 12-71043-JAD
Issued Per Jan. 19, 2017 Proceeding
Chapter: 13
Docket No.: 133 – 123, 128
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 19, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,321 as of February 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: January 23, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
John J. Clinemyer, III
Audrey A. Clinemyer
DebtorsCase No. 12-71043-JAD
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 45

Date Rcvd: Jan 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 25, 2017.

db +John J. Clinemyer, III, 135 Lakefront Drive, Loretto, PA 15940-9612
jdb #+Audrey A. Clinemyer, 135 Lakefront Drive, Loretto, PA 15940-9612
13530229 +AAS Debt Recovery Inc., 2526 Monroeville Blvd., Ste 205A, Monroeville, PA 15146-2371
13558267 +AAS Debt Recovery Inc., PO Box 129, Monroeville, PA 15146-0129
13530231 +BAC Home Loans Servicing LP, 7105 Corporate Drive, Plano, TX 75024-4100
13559446 Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933
13530233 Beneficial, PO Box 4153-K, Carol Stream, IL 60197-4153
13530234 Capital One, Bankruptcy Claims, PO Box 85167, Richmond, VA 23285-5167
13530235 Chase Bank USA NA, PO Box 15145, Wilmington, DE 19850-5145
13530236 +Citibank NA, 701 East 60th Street N, Sioux Falls, SD 57104-0493
13530239 +DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Financial Services, c/o DFS Customer Care Dept.,
PO Box 81577, Austin, TX 78708-1577)
13530241 +Donald E. Nagy, DDS, 716 Cambria Street, PO Box 443, Portage, PA 15946-0443
13530242 +First National Bank of Pennsylvania, 4140 E State Street, Hermitage, PA 16148-3401
13530245 +HSBC Bank Nevada, NA, 1111 Town Center Drive, Las Vegas, NV 89144-6364
13530246 +HSBC Retail Services, PO Box 5244, Carol Stream, IL 60197-5244
13530248 +KML Law Group, PC, Suite 5000 - BNY Mellon Independence Cen, 701 Market Street,
Philadelphia, PA 19106-1538
13530249 +Macys, Bankruptcy Processing, PO Box 8053, Mason, OH 45040-8053
13530251 +NCO Financial Systems, Inc., PO Box 4275, Norcross, GA 30091-4275
13530252 Pennsylvania Department of Revenue, Dept 280415, Harrisburg, PA 17128-0415
13530255 +Randall Motors, 3663 Portage Street, Portage, PA 15946-1100
13530257 +Reliance Savings Bank, 1119 12th Street, Altoona, PA 16601-3419
13966378 +Veripro Solutions, Inc., PO BOX 3244, Coppell, TX 75019-9244
13530259 +Verizon, PO Box 3037, Bloomington, IL 61702-3037
14253498 WILMINGTON SAVINGS FUND SOCIETY, FSB, DBA, CHRISTIANA TRUST FOR BCAT 2014-9TT,
C/O Shellpoint Mortgage Servicing, PO Box 10826, Greenville SC 29603-0826
13616358 eCast Settlement Corporation, PO Box 28136, New York, NY 10087-8136

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bnc@bass-associates.com Jan 24 2017 01:42:28 Capital One, N.A.,
Bass & Associates, P.C., 3936 E. Ft. Lowell Rd, Suite #200, Tucson, AZ 85712-1083
13530230 E-mail/Text: ebnbankruptcy@ahm.honda.com Jan 24 2017 01:43:03
American Honda Finance Corporation, National Bankruptcy Center, PO Box 168088,
Irving, TX 75016-8088
13568864 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 24 2017 01:58:34
American InfoSource LP as agent for, Verizon, PO Box 248838,
Oklahoma City, OK 73124-8838
13530232 E-mail/Text: bnc@bass-associates.com Jan 24 2017 01:42:28 Bass & Associates,
3936 E. Fort Lowell Road, Suite 200, Tucson, AZ 85712-1083
13530237 +E-mail/Text: bankruptcy_notifications@ccsusa.com Jan 24 2017 01:43:23
Credit Collection Services, Two Wells Avenue, Dept 9134, Newton Center, MA 02459-3225
13530238 E-mail/Text: hariasdiaz@creditmanagementcompany.com Jan 24 2017 01:43:11
Credit Management Company, 2121 Noblestown Road, PO Box 16346, Pittsburgh, PA 15242-0346
13535880 E-mail/Text: mrdiscen@discover.com Jan 24 2017 01:42:30 Discover Bank,
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025
13530240 E-mail/Text: mrdiscen@discover.com Jan 24 2017 01:42:30 Discover Financial Services LLC,
PO Box 3025, New Albany, OH 43054-3025
13530243 +E-mail/PDF: gecsed@recoverycorp.com Jan 24 2017 01:58:45 GE Capital Retail Bank,
Attn: Bankruptcy Department, PO Box 103104, Roswell, GA 30076-9104
13530247 E-mail/Text: cio.bncmail@irs.gov Jan 24 2017 01:42:36 Internal Revenue Service,
PO Box 7346, Philadelphia, PA 19101-7346
13595975 E-mail/Text: JCAP_BNC_Notices@jcap.com Jan 24 2017 01:43:06 Jefferson Capital Systems LLC,
PO BOX 7999, SAINT CLOUD MN 56302-9617
13530250 +E-mail/Text: egssupportservices@egscorp.com Jan 24 2017 01:43:04
NCO Financial Systems, Inc., 507 Prudential Road, Horsham, PA 19044-2308
13530253 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 24 2017 02:16:27
Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502
13599534 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 24 2017 01:59:18
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
13530254 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 24 2017 01:58:59
PRA Receivables Management, LLC, PO Box 12914, Norfolk, VA 23541-0914
13543507 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jan 24 2017 01:42:45
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg PA 17128-0946
13542692 E-mail/Text: bkdepartment@rtresolutions.com Jan 24 2017 01:43:05
Real Time Resolutions, Inc., 1349 Empire Central Dr, Suite 150, P.O. Box 36655,
Dallas, TX 75247
13530256 E-mail/Text: bkdepartment@rtresolutions.com Jan 24 2017 01:43:05
Real Time Resolutions, Inc., Agent for Countrywide/Bank of America,
1750 Regal Row, Suite 120, Dallas, TX 75235

District/off: 0315-7

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 45

Date Rcvd: Jan 23, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

13530258 +E-mail/PDF: resurgentbkn notifications@resurgent.com Jan 24 2017 01:58:23 Resurgent Capital,
PO Box 10497, Greenville, SC 29603-0497
14119808 +E-mail/Text: Bankruptcy@wsfsbank.com Jan 24 2017 01:43:32
Wilmington Savings Fund Society, FSB, 500 Delaware Avenue, 11th Floor,
Wilmington Delaware 19801-7405

TOTAL: 20

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BANK OF AMERICA, N.A.
cr Shellpoint Mortgage Servicing
cr Veripro Solutions, Inc.
cr WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business
cr* Pennsylvania Department Of Revenue, Bankruptcy Division PO BOX 280946,
Harrisburg, PA 17128-0946
13623385* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
PO Box 10390, Greenville, SC 29603-0390)
13530244 ###Homady Law, 517 Allegheny Street, PO Box 507, Hollidaysburg, PA 16648-0507
13530260 ###Verizon Wireless, PO Box 3397, Bloomington, IL 61702-3397

TOTALS: 4, * 2, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 25, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 23, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor BANK OF AMERICA, N.A. agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
Andrew F Gornall on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business
as CHRISTIANA TRUST, not in its individual capacity but solely as legal title Trustee for BCAT
2014-9TT agornall@goldbecklaw.com, bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business
as CHRISTIANA TRUST, not in its individual capacity but solely as legal title Trustee for BCAT
2014-9TT bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Theresa C Homady on behalf of Debtor John J. Clinemyer, III thomadyl@msn.com,
homady@gmail.com/homadylaw@gmail.com/kac52on@gmail.com/tchomady@comcast.net;thomadybk@gmail.com
Theresa C Homady on behalf of Joint Debtor Audrey A. Clinemyer thomadyl@msn.com,
homady@gmail.com/homadylaw@gmail.com/kac52on@gmail.com/tchomady@comcast.net;thomadybk@gmail.com
Theresa C Homady on behalf of Plaintiff Audrey A. Clinemyer thomadyl@msn.com,
homady@gmail.com/homadylaw@gmail.com/kac52on@gmail.com/tchomady@comcast.net;thomadybk@gmail.com
Theresa C Homady on behalf of Plaintiff John J. Clinemyer, III thomadyl@msn.com,
homady@gmail.com/homadylaw@gmail.com/kac52on@gmail.com/tchomady@comcast.net;thomadybk@gmail.com

TOTAL: 9